

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CLIFTON GIBBON,

07 Civ. 6698 (NRB)

Plaintiff,

- against -

DECLARATION OF
CLIFTON GIBBON

CITY OF NEW YORK,

Defendant.

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CLIFTON GIBBON hereby declares, under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:


1. I am the plaintiff in the above-captioned action. I submit this declaration in opposition to the motion of defendant City of New York for summary judgment.
2. Beginning in the middle of 2005, I experienced great difficulty urinating. I could feel my bladder fill with urine, but I would stand over the toilet and nothing would come out. This problem lasted sometimes for four or five hours.
3. Over the past three years, I have experienced problems urinating at least once a week. It has greatly disrupted my life on an ongoing basis.
4. On June 15 and November 18, 2005, I consulted my physician, Meenakshi Bharara, M.D., who diagnosed me with benign prostatic hyperplasia ("BPH"), and prescribed Flomax.
5. The Flomax appeared to relieve my symptoms, but I could not refill the prescription because I was laid off in December 2005 and I lost my medical coverage.

6. At the time of the drug test in February 2006, I was not taking Flomax, and I was still having extreme difficulty urinating.

7. After the test, I was able to fill another prescription for Flomax by advising my physician that my coverage would resume in a few weeks when I was reinstated. Defendant did not reinstate me, however, and I have since been unable to refill the prescription due to lack of medical coverage.

8. To this day, I regularly experience an inability to urinate.

Dated: New York, New York
May 30, 2008



CLIFTON GIBBON